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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-07-00597 JF
	)	
Plaintiff,	)	STIPULATION AND <del>[PROPOSED]</del>
	)	ORDER CONTINUING HEARING
vs.	)	
	)	
JOHN MICHAEL NAGY,	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION**

The parties hereby stipulate that the status hearing currently set for Thursday, January 14, 2010 at 9:00 a.m. may be continued to Wednesday, February 24, 2010 at 9:00 a.m., to permit the government and its agents to continue their evaluation of the protective order proposed by the defense for inspection of the digital discovery under the Adam Walsh Act, to permit the defense to inspect that discovery once the protective order is finalized, and to accommodate defense counsel's unavailability to conduct that inspection in early February.

The parties further stipulate that 41 days may be excluded from the time within which trial shall commence, as the reasonable time necessary for continuity and effective preparation of counsel, taking into account the exercise of due diligence, pursuant to Title 18, United States Code Section 3161(h)(7)(A) and (h)(7)(B)(iv).

1 Dated: January 13, 2010

2 s/\_\_\_\_\_  
3 CYNTHIA C. LIE  
4 Assistant Federal Public Defender

5 Dated: January 13, 2010

6 s/\_\_\_\_\_  
7 JOSEPH FAZIOLI  
8 Assistant United States Attorney

9 **~~PROPOSED~~ ORDER**

10 Good cause appearing and by stipulation of the parties, it is hereby ordered that the status  
11 hearing of Thursday, January 14, 2010 shall be continued to Wednesday, February 24, 2010 at  
12 9:00 a.m.

13 The Court further finds, based on the aforementioned reasons, that the ends of justice  
14 served by granting the requested continuance outweigh the interest of the public and the  
15 defendant in a speedy trial, in that the failure to grant the requested continuance would deny  
16 counsel reasonable time necessary for continuity and effective preparation of counsel, taking into  
17 account the exercise of due diligence, and would result in a miscarriage of justice. The Court  
18 therefore concludes that 41 days should be excluded from the time within which trial shall  
19 commence under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

20 It is so ordered.

21 Dated: January 14, 2010

22   
23 JEREMY FOGEL  
24 United States District Judge  
25  
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